

## **REMARKS**

In response to the above-identified Office Action (“Action”), Applicants traverse the Examiner’s rejection to the claims and seek reconsideration thereof. Claims 1-58 are pending in the present application. Claims 21-24, 28 and 30 are rejected. Claims 1-20 and 40-58 remain withdrawn. In this response, claims 21, 25, 29, 31, 32, 34 and 38 are amended, claims 59-61 are added and no claims are cancelled.

### **I. Amendments**

Applicants respectfully submit herewith amendments to claims 21, 25, 29, 31, 32, 34 and 38. Specifically, claim 21 is amended to recite a “transparent porous material.” Support for the amendment to claim 21 may be found, for example, on page 13, line 14 of the application.

Claims 25, 29 and 32 are amended to recite the limitations of claim 21 in independent form.

Claim 31 is amended to depend from claim 29 and claims 34 and 38 are amended to depend from claim 30.

New claim 59 recites “an element according to claim 28, wherein said sensing element further comprises a material having an alkali characteristic in addition to the dye.” Support for the limitations of new claim 23 may be found, for example, in withdrawn claim 13.

New claim 60 recites “an element according to claim 25, wherein said sensing element further comprises an acid in addition to the dye.” Support for the limitations of new claim 23 may be found, for example, in withdrawn claim 16.

New claim 61 recites “an element according to claim 25, wherein said sensing element further comprises a buffer in addition to the dye.” Support for the limitations of new claim 23 may be found, for example, in withdrawn claim 20.

In view of the foregoing, the amendments to the claims are supported by the specification and do not add new matter. Accordingly, Applicants respectfully request consideration and entry

of the amendments to claims 21, 25, 29, 31, 32, 34 and 38 and new claims 59-61.

## II. Claim Rejections – 35 U.S.C. §102

A. In the outstanding Action, the Examiner rejects claims 21-24 and 30 under 35 U.S.C. §102(b) as being anticipated by German Patent No. DE 19619226 (“DE ‘226”). Applicants respectfully traverse the rejection.

In regard to independent claim 21, Applicants respectfully submit DE ‘226 fails to teach at least the elements of “a transparent porous material” and “a dye which is deposited in a pore of said porous material and changes in a light absorption characteristic of a visible region upon reaction with ozone gas” as recited in claim 21.

The Examiner has not pointed to and Applicants are unable to discern a portion of DE ‘226 teaching the element of a “transparent porous material.”

In addition, DE ‘226 discloses “a sensor element for determining ozone concentrations is characterized in that it contains at least one dye with conjugated double bonds contained in a polymer layer with at least one polymer.” See DE ‘226, Abstract. Thus, DE ‘226 introduces (mixes) a dyestuff into a polymer matrix or body to provide a sensor element. In contrast, claim 21 provides a dye deposited in pores of a porous material, i.e. “a dye which is deposited in a pore of said porous material and changes in a light absorption characteristic of a visible region upon reaction with ozone gas.” Accordingly, the dye is provided or placed outside the matrix portion (body) of the porous material. The present invention is not arranged so as to introduce the dye into the matrix or body of the porous material. Accordingly, for at least the foregoing reasons, the location of the dye from the “ozone gas sensor element in which the dye is contained in the polymer layer” as described in DE ‘226 is different from that of claim 21. DE ‘226 further does not contemplate disposing the dyestuff in the pores formed in the porous polymer material.

Since each and every element of claim 21 is not found within DE ‘226, anticipation may not be established. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 21 under 35 U.S.C. §102 over DE ‘226.

In regard to claims 22-24 and 30, these claims depend from claim 21 and incorporate the limitations thereof. Thus, for at least the reasons that claim 21 is not anticipated by DE '226, claims 22-24 and 30 are further not anticipated by the reference. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 22-24 and 30 under 35 U.S.C. §102 over DE '226.

**B.** In the outstanding Action, the Examiner rejects claims 21, 22 and 28 under 35 U.S.C. §102(b) as being anticipated by Japanese Patent No. JP 62-291564 (“JP '564”). Applicants respectfully traverse the rejection.

In regard to independent claim 21, Applicants respectfully submit JP '564 fails to teach at least the elements of “a transparent porous material” and “a dye which is deposited in a pore of said porous material and changes in a light absorption characteristic of a visible region upon reaction with ozone gas” as recited in claim 21.

In addition, JP '564 teaches providing on a substrate or support a coating or impregnation layer comprising a triphenylmethane leuco dye and an acid stabilizer. JP '564 also describes a use of filter paper as the impregnation layer. The filter paper disclosed in JP '564 cannot detect any changes other than a change undergone by the dye in the surface region

In contrast, as previously discussed, in claim 21 the dye is disposed or deposited in pores of a transparent porous material. Thus, the above-described features of JP '564 do not teach “a dye which is deposited in a pore of said porous material and changes in a light absorption characteristic of a visible region upon reaction with ozone gas” as recited in claim 21. In addition, the “transparent porous material” according to the present invention allows for detection of any changes, undergone by the dye deposited in the pores of the porous material, as superposed in the thickness wise direction of the sensing element, thus allowing highly sensitive detection. Accordingly, the filter paper of JP '564 may further not be relied upon to teach the “transparent porous material” recited in claim 21.

Since each and every element of claim 21 is not found within JP '564, anticipation may not be established. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 21 under 35 U.S.C. §102 over JP '564.

In regard to claims 22 and 28, these claims depend from claim 21 and incorporate the limitations thereof. Thus, for at least the reasons that claim 21 is not anticipated by JP ‘564, claims 22 and 28 are further not anticipated by the reference. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 22 and 28 under 35 U.S.C. §102 over JP ‘564.

### **III. Allowable Subject Matter**

Claims 25-27, 29, 31-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 25 is rewritten in independent form to include all the limitations of the base claim and is therefore allowable. Claims 26 and 27 depend from claim 25 and are therefore allowable without rewriting them in independent form for at least the reason they depend from an allowable base claim.

Claim 29 is rewritten in independent form to include all the limitations of the base claim and is therefore allowable. Claim 31 depends from claim 29 and is therefore allowable without rewriting the claim in independent form for at least the reason it depends from an allowable base claim.

Claim 32 is rewritten in independent form to include all the limitations of the base claim and is therefore allowable. Claim 33 depends from claim 32 and is therefore allowable without rewriting the claim in independent form for at least the reason it depends from an allowable base claim.

In regard to claims 34-39, Applicants respectfully submit these claims are further in condition for allowance without rewriting the claims in independent form at least for the reason that they depend from claim 21, which for at least the reasons previously discussed, is allowable over the cited references.

For at least the foregoing reasons, Applicants respectfully request consideration and allowance of 25-27, 29, 31-39 at the Examiner's earliest convenience.

### **CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely claims 1-61, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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#### CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on March 2, 2007.

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